

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Leandro for authority to convert an existing private grade crossing at the intersection of Hudson Lane and the tracks of the Union Pacific Railroad Company to a public grade crossing. (PUC No. 004-15.70)

Application 03-11-001
(Filed November 4, 2003)

O P I N I O N**Summary**

This decision grants the request of the City of San Leandro (City) to change the status of the at-grade highway-rail crossing (crossing) at Hudson Lane over the tracks of the Union Pacific Railroad Company (UPRR) from a private crossing to a public crossing.

The City requests authority to convert the existing private crossing at Hudson Lane across the tracks of the UPRR in the City to a public crossing. The proposed crossing, identified as CPUC Crossing No. 004-15.70, will allow public access to formerly private property that will be redeveloped for public use.

Discussion

The current private crossing at Hudson Lane is a 40-foot wide two-lane crossing with two CPUC Standard #9 warning devices with gates. The crossing is approximately 50 feet from San Leandro Boulevard, which runs approximately north-south, parallel to the UPRR right-of-way. There are existing acceleration and deceleration lanes for vehicles exiting from and entering onto southbound San Leandro Boulevard. There is also a dedicated turn lane from northbound

San Leandro Boulevard onto Hudson Lane. Due to the proximity of the crossing to the intersection of San Leandro Boulevard and Hudson Lane, any future change to that intersection will require reevaluation of the crossing, especially preemption if signalizing is involved.

The Hudson Lane crossing was created in 1970 to serve the Hudson lumber processing facility. The facility employed as many as 300 employees and was served by up to 200 trucks per day. Future use of the property has the potential to generate between 1,356 and 7,380 vehicles per day over the crossing. Rail traffic on that line is one freight train per week at less than 40 miles per hour. There is currently no proposal before the City to redevelop the property. A map of the project vicinity is set forth as Exhibit A in the application.

The proposed change from private to public status will include new advanced warning signs (W10-1 and W10-3 on southbound San Leandro Boulevard and W10-1 on eastbound Hudson Lane) and pavement markings and moving the eastbound #9 warning device from its current location of approximately 40 feet from the track to 15 feet from the centerline of the rail.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resource Code Section 21000 et seq. On November 4, 2003 the City filed a Notice of Exemption with the County of Alameda stating that the project was categorically exempt under CEQA Guideline Section 15301, Existing Facilities.

The Commission is a responsible agency for this project under CEQA. We have reviewed the lead agency's Notice of Exemption and find that it is adequate for our decision-making purposes. We adopt the City's finding that this project is categorically exempt from the requirements of CEQA pursuant to Section

15301(f), which provides an exemption for the addition of health and safety protection devices in conjunction with existing structures and facilities.

The Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section (RCES) inspected the site and examined the need for, and safety of, the change of status of the crossing. RCES recommends that the authority to change the status of the crossing from private to public be granted.

Application 03-11-001 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3123 dated November 13, 2003, and published in the Commission Daily Calendar on November 14, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3123.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 6, 2003. No protests have been filed.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to convert the existing private crossing at Hudson Lane across the tracks of the UPRR to a public crossing, identified as CPUC Crossing No. 004-15.70.
3. Public convenience and necessity require the reclassification of the crossing at Hudson Lane in Alameda County.
4. The City is the lead agency for this project under CEQA, as amended.
5. The City determined this project to be categorically exempt from the requirements of CEQA, pursuant to CEQA Guideline Section 15301(f).
6. The Commission is a responsible agency for purposes of CEQA review.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. We adopt the City's finding that the project is exempt from CEQA pursuant to CEQA Guideline Section 15301(f).
3. The application should be granted as set forth in the following order.

O R D E R**IT IS ORDERED** that:

1. The City of San Leandro (City) is authorized to convert the existing private at-grade highway-rail crossing (crossing) at Hudson Lane across the tracks of the Union Pacific Railroad Company (UPRR) to a public crossing at the location as shown on the plans attached to the application, identified as CPUC No. 004-15.70.
2. The proposed change from private to public status will include new advanced warning signs (W10-1 and W10-3 on southbound San Leandro Boulevard and W10-1 on eastbound Hudson Lane) and pavement markings and

moving the eastbound #9 warning device from its current location of approximately 40 feet from the track to 15 feet from the centerline of the rail.

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the City and UPRR (parties).

4. Within 30 days after completion of this project, UPRR shall notify Rail Crossings and Engineering Section in writing by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) that the authorized work is completed.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. This application is granted as set forth above.

7. Application 03-11-001 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.